



U.S. Department
of Transportation
**Research and
Special Programs
Administration**

400 Seventh St., S.W.
Washington, D.C. 20590

DEC 2 2004

Mr. Chip Palmer
Packaging and Shipping Manager
Epicentre
726 Post Road
Madison, WI 53713

Reference No. 04-0106

Dear Mr. Palmer:

This is in response to your letter and telephone conversation with a member of my staff concerning your company's diagnostic kits that contain enzymes, proteins, and reagents for molecular biological research. The material safety data sheets you provided state the kits do not meet the definition of a hazard class under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). You state the kits must be shipped by aircraft with "Carbon dioxide, solid, or Dry ice, 9, UN 1845, PG III" to prevent their contents from disintegrating, and asked if this can occur without them being subject to the HMR. We apologize for the delay in responding and any inconvenience this may have caused.

The answer to your question is yes. Under § 175.10(a)(13)(i), aircraft shipments of Carbon dioxide, solid or Dry ice, UN 1845, are excepted from regulation under the HMR when used as a refrigerant for the contents of a package in quantities of 2.3 kg (5.07 pounds) or less per package, and the packaging is vented and meets the general packaging requirements of Part 173 Subpart B. In addition, the package must be marked with the name of the contents being cooled, for example "non-hazardous diagnostic kit," the net weight of the dry ice or an indication that the net weight is 2.3 kg or less, and the text "Carbon Dioxide, Solid" or "Dry Ice."

I hope this information is helpful.

Sincerely,

Hattie L. Mitchell, Chief
Regulatory Review and Reinvention
Office of Hazardous Materials Standards

cc: Dan Peterson
United Parcel Service



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Labeling
04-0106

Dear Mr. Mazzullo,

Epicentre Technologies is a manufacturer of enzymes, proteins and reagents for molecular biological research which in some cases are required to be shipped on dry ice. We are currently working with UPS to determine if our products would qualify to be classified under CFR49 subsection e, as "material being refrigerated is used for diagnostic or treatment purposes (e.g., frozen medical specimens), thereby excepting us from shipping paper and certification requirements for shipping products on dry ice.

Our products are for research use only and are used mainly by universities, government and private laboratories. Specific information regarding our products and their uses can be found at www.epicentre.com.

If you could please visit our site and help us determine if we meet the definition criteria above we would be most grateful. I can be contacted at the telephone numbers listed on this letterhead or by e-mail at chip.palmer@epicentre.com.

Best regards,

Chip Palmer
Packaging and Shipping Manager
Epicentre